

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

DANIEL GARCIA,

Petitioner,

VS.

BRIAN COLLIER, *et al.*,

Respondents.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 2:21-CV-00125

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Before the Court is Magistrate Judge Jason B. Libby's Memorandum and Recommendation (M&R), entered on December 10, 2021. (D.E. 21). The M&R recommends that the Court grant Respondent's motion for summary judgment and dismiss this action as time barred. It is further recommended that a Certificate of Appealability be denied.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the magistrate judge's memorandum and recommendation is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at \*1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the

1 / 2

M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 21). Accordingly, Respondent's motion for summary judgment (D.E. 19) is **GRANTED**, and this action is **DISMISSED** as time barred. A Certificate of Appealability is also hereby **DENIED**.

A final judgment will be entered separately.

SO ORDERED.

  
\_\_\_\_\_  
DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas  
January 24<sup>th</sup>, 2022